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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/881,038

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Aleksandra Smiljanic

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AT&T CORP.

P.O. BOX 4110

MIDDLETOWN, NJ 07748

EXAMINER

HABTE, ZEWDU

ART UNIT

PAPER NUMBER

2661

DATE MAILED: 12/28/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/881,038

Applicant(s)

SMILJANIC, ALEKSANDRA

Examiner

Zewdu Habte

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3 and 4 is/are allowed.
- 6) ☒ Claim(s) 18 is/are rejected.
- 7) ☒ Claim(s) 2,5-17,19 - 23 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Objections

Claims 8, 9, and 12-16 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim should refer to other claims in the alternative only. See MPEP § 608.01(n).

In claim 8, lines 1 "The method of claims 3 and 5" should be changed to –The method of claim 3 or 5 –.

In claim 9, lines 1 "The method of claims 4 and 6" should be changed to –The method of claim 4 or 6 –.

In claims 12-14, lines 1 "The method of claims 1 and 2" should be changed to –The method of claim 1 or 2 –.

In claims 15 and 16, lines 1 "The method of claims 12 and 13" should be changed to –The method of claim 12 or 13 –.

Claims 2, 19 and 22 are objected to because of the following informalities:

In claim 2 lines 9, "counters are negative" should be changed to –counters having negative values–.

In claim 2 lines 11, "counters are positive" should be changed to –counters having positive values–.

In claim 19 lines 11, "positive counters" should be changed to –counters having positive values–.

In claim 22 lines 1, "the information" should be changed to –information–.

Also in claim 15 and 16 "method 1" should be "method of claim 1".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

Claim 18 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 18 recites the limitation “using methods 12 and 13” in line 2. This recitation is vague and indefinite, because it is not clear how both methods 12 and 13 can be implemented at the same time. Both claims 12 and 13 have identical steps that negotiate values of time slots. Claim 18 indicates that the step in claim 12 is implemented at the same time as the step in claim 13 is implemented. In reality, the implication is that either claim 12 or claim 13 negotiates values of time slots; it is impossible to suggest that both can do it simultaneously.

If it is intended that this is a multiple dependent claim, it is an improper use of a multiple dependent claim. 35 U.S.C. 112 authorizes multiple dependent claims in applications filed on and after January 24, 1978, as long as they are in the alternative form (e.g., “A machine according to claims 3 or 4, further comprising ---”). Cumulative claiming (e.g., “A machine according to claims 3 and 4, further comprising ---”) is not permitted. See MPEP § 608.01(n).

Also, in claim 18, lines 2 and 3, the phrase "... by using method..." should say –
... by using the method of claim... –.

Allowable Subject Matter

Claims 1, 3, 4 allowed.

Claim 1 is allowable because the prior art of record fails to teach, in combination with other claim limitations,

A method of allocating bandwidth for use at a packet switch having a plurality of inputs for switching to specified outputs and a plurality of corresponding input buffers having input-output queues and associated counters, said method comprising the steps of:

...said inputs sequentially selecting available said outputs to which said inputs send packets in specified future time slots, wherein priority is given to input-output queues with said counters having positive values; said selection of outputs by said inputs being done using a pipeline technique, wherein a schedule is calculated within multiple time slots, wherein schedules for multiple future time slots being calculated in each time slot;....

Claims 5, 6, 7, 10, 11, 17, 20, 21 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Art Unit: 2661

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Zewdu Habte whose telephone number is 571-272-3115. The examiner can normally be reached on 8:30-5:00. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on 571-272-3078. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Zewdu Habte (Zed)
Examiner
Art Unit 2661

ZH



KENNETH VANDERPUYE
PRIMARY EXAMINER